THE ASHEVILLE GAZETTL. MARCH 30, 1899							
poor food. Poor food means weakness and disease Blood Astetter's bittest and	why would not he be mistaken once it call your attention to the demeanor of the two men on the stand. If ever I saw truth flash from a man's eyes it was from Dickerson's. "How about Penland's eyes? His eyes were at an angle of 45 degrees from the jury and from " Don't misunderst" and me. I think that Penland is so overwhelmed with grief and has dreamed over these matters so "tually believes these much that he ac statements." "They say Penland and Breese con tradicted Dickerson, because they say he had examined the books. Dickerson didn't say that he didn't examine the books, he said he never examined th 'J. E. Dickerson special' account. Mr. Coffin couldn't find the account on the witness stand and Dorsett couldn't find it, so is it any wonder that Dickerson couldn't find it? Isn't it a remarkable circumstance that after three years Breese and Penland can remember that Dickerson examined these books. There must have been something re	I shall not let fail one unfair remark about this defendant. "The question is, Did Dickerson any day he drew these checks have any n."ney to his credit in the bank? Let us grant to this defendant every con- tention he has made and see if he had aby money to the credit of J. E. Dicker son in the bank. Remember that a false credit is no credit at all. If he puts in credits that are false credit." then there is fraud. Judge Bynum quoted Justice Jack son to show that credits must represent actual cash or its equivalent. No sys tem of validity can give validity ito a fraud. "There is the principle. Now let us apply the facts. "At a time when, as he admits, that the account of Dickerson & Co., of which he was sole representative, was overdrawn thousands of dollars, he took out \$22,850 and puts it into his pri vate individual acount. Not a cent of the money was his. Here are the checks, his condemnation and death warrant in this case. "Don't it strike you at a glance that this man ought to have been satisfied when he got about \$8,000 by overdrafts. When he got about \$8,000 by overdrafts.	mony given here, say that Dic." has a good character? Is'nt he the main who would defrauda bank if he got the chance?". At the conclusion of Judge Bynum's a recess would be taken until 10 a. m. today, when he would charge the jury. WARSHIPS OPEN FIRE (Continued From First Page.) and worf of Apia, and landing parties have captured many boats. The British and Americans are fight is splandidly together. The feeling against the Germans is filest bitter. An Englishman and a German have been arrested as sples. Another British cruiser is on her way here. MODEFICIAL ADVICES. Washington, March 29-Up to a late hour tonight no official advices had been received regarding the conflict in Samoa. The only explanation of the outbreak is that the consular represent tatives agreed that the peace of Samoa was menaced by the maintenance of a laige body of armed natives around Apia. The right of the consuls to as sume such powers is apparently unques tioned. The authorities are anxious ov	RoyaL Baking Powders Baking Powders Cream of tartar. Safeguards the food against alum. Mem baking powders are the greatest memacers to health of the present day. NOVAL BACING POWDER CO., NEW YORK BOYAL BACING POWDER CO., NEW YORK	<section-header><section-header><section-header><text><text><text><text></text></text></text></text></section-header></section-header></section-header>		
AND ADDRESS OF ADDRESS AND ADDRESS ADDR	examine that 'J. E. D. special' ac ccunt? Mr. Adams concluded at 4:15.	you deduct that from the \$22,000 of false credits and you have \$21,000 got ten by fraud. You can take this case	tioned. The authorities are anxious ov er the reports and realize that with Ger many favorable to Mataafa, a conflict with his followers may cause friction	Drowned-Sixty	As the season of the year when pneu-		
otes which Dickerson obtained. Evi ence to the contrary had not been fown by the government. The answer b such a question could in no way sve tended to prejudice Major Breese, rd yet it was not asked. Dickerson	Judge Bynum delivered the final ar gument. He said that in proceeding to close the argument for the government he desired to express his sincere appreci ation to his honor for his fairness and consideration and to the gentlemen on the other side for their consideration.	convict this defendant. "In June, 1897, he put in his own note for \$6,000, \$3,500 of which he put to his own credit and \$2,500 to the credit of Dickerson & Co, not a dollar of which has ever been paid. That was a	which may develop into something seri ous. BIC CUN EXPLODES	Lives Lost. Cairo, March 29.—The steamer Row ena Lee sank in midstream at Tyler, Mc., this afternoon. She had just backed out from the landing and was headed down the Mississippi when, as if by an explosion, she seemed to be	fallfble remedy for all lung, throat or bronchial troubles. Insist vigorously up_		
rson a miserable thief, puts these in	At times the contest had been warm and spiried. After all he hoped that all would carry away pleasant memor ies Judge Bynum said that before beginning his argument he wished to speak of Mr. Penland. The defense	was overdrawn on every day these checks were drawn. Dickerson & Co.'s account was his account. It was over	New York, March 29-A ten inch riffe burst at Sandy Hook proving grounds	raised slightly in the middle, and broke in two, both ends plunging downward and disappearing instantly. All on board perished except the captain and one man. Near as can be learned	is Hood's Sarsaparilla,		

It money on them.

hat. The president felt alarmed, but lying. e didn't demand Dickerson to perjure They almost said he had come in helf but simply asked that he here and testified under promise of im hange the names on the notes. Why, munity. They did this while disclaim e couldn't pay during those hard ing any intention to reflect on him. imes. It is part of the history of the Here Judge Bynum read from Pen ountry that Vanderbilt couldn't con land's testimony to refute the reflec tinue his work because he was behind tions cast upon him. "People who live

had indirectly called him a coward, a dollars. It was his account. Consoli severely wounding two others.

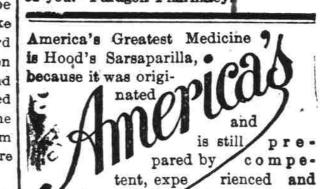
the overdraft is continuous. On 157 successfully. The fourth time, howev ress of the accident. er, under a heavy charge, the breech The boat was loaded with railroad burst, and the breech block flew back iron and went down like a shot. It with such force as to penetrate the was so quickly wrecked that life saving sand butt within which the men who measures were out of the question. The were engaged in work, had taken ref river men are mystified by the sudden uge. Recording Clerk Murphy was kill nss of the accident. ed. The block continued many yards further in its flight, finally landing in only ones saved. She had fifteen or so the machine shop, where it did some cabin passengers, who, with the crew, damage. will swell the total of the lost to sixty.

there were sixty people on board. The Lee left here at 6:30 last night for Mem t money on them. There was not a word of truth in traitor and said he had been guilty of date that with his other and you see The gun had been fired three times phis, where she was owned and where

The captain and the mate were the

FIRST NORTH CAROLINA

Out Will Begin at Once.



educated pharmacists

reme

giving to

itself. It has a record of cures

saparilla me

a com-

tion and

un-

known

other

dies and

Hood's Sar-

rit peculiar to

from the best known alterative.

diuretic, anti-bilious rem edies and

ach tonics, by

stom /

bin ation, propor

his payments during the panic. in glass houses should not throw Vas there any harm in Dickerson try stones." When these men undertake ng to withhold the amount of his to traduce Penland because he made

ot do the same thing under the same rcumstances.

> od notes and put in worthless ones. deny that he put in worthless credits. ckerson did not take out a dollar. He mply took up his own notes with oth endorsed by himself. The last were just as good as the others, cause they were endorsed by Dicker n & Co., and could have been realized pon just as quickly.

"Dickerson says there was no agree ent, no conspiracy. That much evi nce against it was certainly better hat none at all to support it

"The government had witnesses, Mr. enland, who said he would tell every hing against himself and his associates nd if there was any conspiracy why d they not prove it by him?

"Dickerson must not be adjudged filty if there is a reasonbale doubt as is innocence. A reasonable doubt its as to the B. & L. collections. could have sent money in various rays to Richmond, but if he deposited afest and cheapest way to transmit

e money. We could have shown that olders here.

"If the improper charges had not been made to him, and if the proper credits had been made to him, he would never have been overdrawn om April 1, 1896, to July 30, 1897. If bank. ou will remember Mr. Coffin traced ut the charges for notes and discounts which were improperly charged. "Mr. Penland says Dickerson helped

ivide those notes. Major Breese contradicts that. Isn't Dickerson as worthy of belief as much as Penland?

E

ebts? What man on the jury would this statement the fact is that if anyone is to blame for this let it be counsel for the defendant with the exception of Sen

But they say he took out his own ator Pritchard, for it was on the strength of their assertion that Penland made his statement.

> "I have no criticism of the defendant except as the facts show, but it seems to me that when the court decides up on the admissibility of testimony, that ought to satisfy them. When his hon or excluded testimony they insinuate that the government and even the able

and upright judge has refused to let the light be turned on. That is new bank. practice to me. Always when the presiding judge says to me certain

evidence must be excluded I have been accustomd to yield submissively and say no more about it. I think these 1a.' matters of vital importance."

In order to prove abstraction Judge Bynum said several facts must be shown. It must be shown that the de fendant was a director of the bank, that the bank was organized, and that

the defendant withdrew money from the bank and used it for his own ben the money in the bank and sent a efit. All these propositions had been es check costing two cents. That was the tablished and there was no controversy about them.

- In the oragnization of a bank the collected the money from the stock stockholders select the board, the board selects the president and and cashier. The directors were in su preme control of the bank.

Judge Bynum further explained the organization and administration of a

"The directors are the trusted agents of the bank. Let us see how Dickerson carried out his trust. The government passed a law that these directors must render a strict accountability of the funds in their charge.

"I trust in discussing this case that

Babies' Stran Slippers

days he drew checks from Dickerson & Co. to Dickerson, and on not one of those days did he have a dollar to his credit. In that time he only made thir teen cash deposits. That was the way this trusted agent of the bank discharg ed his duties.

"It is undenied that he got this \$22,000 and he admits that he got about \$18,000 of notes. That makes about \$40,000 that he admits he got out of the bank without giving one cent in return.

That was not his money. It was the money of others who put it in his trust. If he takes one dollar out when he knows he has none to his credit, then he has violated the law. What is the use of having directors-if they are not to be held to a strict accountability

for the bank's funds. Dickerson had an overdraft of about \$40,000 all this time. When the bank was about to be engulfed no wonder he hunted up this old worthless stock and put it in the

"He got stock in a land company to fill the vacancy.

which owned land down in the eastern section of North Carolina which was good for nothing except to breed malar

Dickerson tried to prove that he was

solvenit "I supose every bank man means to

return the money but he loses and bacco closed 222 78; Sugar, 165 12; takes more and more, and finaly loses New York Central, 142; Southern pre all. But it makes no difference if he

criminal act. "Has he ever renounced the presump tion that he knew of the condition of his account. We don't rel- on a presump tion, though. We showed by Freese and Penland that he accually inspected his account at least once a month. Mr. Jones testified that he had been seen frequently to examine his stub and pass books, which showed that his account was-overdrawn just as the bank's bcoks showed it. The pass books and checks were signed for by him in his own hand for the month of June. This shows that he not only had this tremendous over

draft of \$10,000 but ne knew it. "Did he do this with intent to injure and defraud? The defense argue that it was necessary to show that he had a baid debt. This is not so. Wrongful acts campot be ex knowingly committed, used on the ground of innocent intent. But the government has shown that he had a corrupt intent, altough it was not nelessary to show it. We have positive evidence to show his intent. First, by the big overdrafts. This money was purloined day after day until the bank beed. When there was only \$480 in the These continuous overdrafts pank. show that his purpose was to injure the

bank "I do not propose to higgle or haggle over the amount that he got out of the notes Whether he took \$60,000 or \$20. 000 or \$18,000, it makes no difference. we said he got \$60,000 he says he



As Brigadier of the Regulars-Vacancy Will be Filled by Anderson. Washington, March 29.-President McKinley today appointed Colonel E. V. Summer brigadier general of the regulars to succeed Miller.

months' absence in Cuba. Sumner was immediately placed on the retired list on his own application, and were put through quarantine yester and the president will appoint Anderson day. After spending several hours in

The statement was given authority this evening that General McArthur c'ty. will be appointed to the next vacancy

in that grade.



New York, March 29 .- American To MISS HIND'S RECITAL. Miss Ida K. Hinds gave another of her

experience. How-

ever heroic the

fight catarrh gen-

Under some

name or other

it gets the best

of us. Frank E.

erally wins.

service.

splendid recitals in the Y! M. C. A. hall last night under the auspices of the Ladies' Auxiliary.

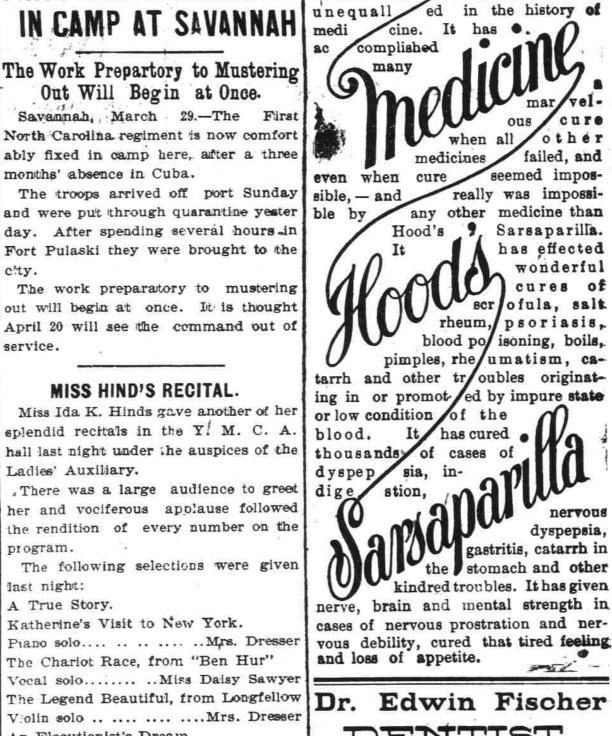
There was a large audience to greet her and vociferous applause followed the rendition of every number on the program.

The following selections were given last night:

A True Story.

Katherine's Visit to New York. Piano solo Mrs. Dresse The Charlot Race, from "Ben Hur" Vecal solo Miss Daisy Sawyer The Legend Beautiful, from Longfellow Violin solo Mrs. Dresser An Elocutionist's Dream. Miss Hinds closed the entertainment

Struggling through life, cursed with cawith statuary poses. tarrh, is a common







was able to pay it does not change the ferred, 51 38. BUCKLEN'S ARNICA SALVE

The best salve in the world for cuts, bruises, sores, ulcers, salt rheum, fever sores, tetter, chapped hands, chilblains, corns, and all skin eruptions, and pesitively cures piles, or no pay required It is guaranteed to give perfect satisfaction or money refunded. Price 25 cents per box. For sale by T. C. Smith, W. C. Carmichael and Pelham's pharmacy.

	Babies' Strap Slippers	THE	000 or \$18,000, it makes no difference. When we said he got \$60,000 he says he only got \$18,000 and the Carolina Wood	
		-	Working Co. \$11,000. He was just as sands of others	SPECIAL SALE FOR TEN DAYS.
	We can fit your ba-		which he ever paid. He is convicted by Dr. Hartman's successful remedy	We Have Just Received
	by in strap slippers at	3	"Did you ever see such a stack of notes? Was there any evidence that one DEAR SIB:-"Pe-ru-na and Man-a-lin	<i>p</i>
Y	prices that will suit anyone's pocketbook. 50c., 75c., 85c. and 90c., a pair,		than men, these men of good character, was so severe that I was compelled to	Our Spring stock of Clothing, Shirts and Neckwear, which will attract the attention of all in need of a Spring or Sum- mer outfit.
	anyone's pocketbook.	111111	paid on these notes. Yet this man ductor on a railroad; but I am now comes into the court of justice and ask entirely well."	For Ten Dollars
	50c., 75c., 85c. and 90c., a pair, sizes 1 to 5,	IIIIII	ticipated in this crime shall be turned loose. "He admits, and I shall discuss this Dr. Hartman's method eradicates ca-	We offer the choice of our \$10.00 Clay Serge Double Breasted Sack Suits worth \$15.00.
	Babies' button shoes, just the shape	IIII	that he got those notes for Breese. They say it is the custom to use accom odation notes, but in answer to my ques tion he said that it was the custom to Columbus, O., will mail Dr. Hartman's	For Twelve Dollars
	of their feet.	IIIIII	get only good accomodiation notes. He got these notes and stood by while Breese took thousands and thousands out of the bank.	We offer any Fancy Worsted Suit in stock in choice styles. Special low prices are marked on all goods for Easter Week.
10.50	J. D. Blanton & Co.	In the second se	you are just as guilty as I. If Dicker and your great medicine that I am "If I go as a burglar to rob a bank cured. I would not be without Pe- and you go and hold a dark lantern, ru-na in the house."	Compare our prices and stock before you buy.
	J. D. Blanton & Co. 39 PATTON AVE.	I	son got these notes for Breese he was just as guilty as Breese. He not only helped Breese, but he got notes for him forty years. It plucks out the roots	The Whitlock Clothing House.
		é	self. He admits that. He goes and of catarrh and builds people up and gets Evans, his insolvent, untuttored druggists sell it.	41 Patton Ave.
lin -	CODEC NUMBER OF COMPANY		Will any man in the light of the testi	A PARTY AND AN AND A PARTY AND